

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13593, of Peter and Betty Wilson, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) for a proposed one story addition to a single family detached dwelling in an R-1-B District at the premises 4616 47th Street, N.W., (Square 1537, Lot 814).

HEARING DATE: October 28, 1981

DECISION DATE: October 28, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The affidavit of posting filed in the record of the application indicated that the notice of the public hearing was posted on the subject property seven days in advance of the hearing. Section 3.33 of the Supplemental Rules of Practice and Procedure requires that the notice be posted at least ten days in advance of the hearing. At the public hearing, the applicant testified that she had placed the wrong date of posting on the affidavit, and that the property was posted on October 19, 1981, nine days prior to the hearing. The applicant was out of town, and posted the notice at the first available opportunity. The Chairman ruled to waive Section 3.33 and proceed with the hearing.

2. The subject property is located in an R-1-B District on the west side of 47th Street between Brandywine and Chesapeake Streets, N.W.

3. The subject property is sixty feet wide and 100 feet deep. It has an area of 6,000 square feet. There is a sixteen foot wide public alley adjacent and parallel to the rear lot line, and another sixteen foot alley intersecting and perpendicular to that alley.

4. The subject property is improved with a two story plus basement brick detached single-family dwelling. The house was built in 1930. There is a two car accessory garage located in the rear yard.

5. The applicants propose to construct a one-story addition to the side and rear of the existing building. The addition would connect the house to the garage.

6. The existing dwelling has a rear yard of approximately sixty feet. The existing garage is set back from the rear lot line a distance of six feet.

7. By connecting the garage with the house, the addition creates a single building on the lot, rather than a building and an accessory building. The rear yard is thus measured from the rear of the garage and is only six feet. The R-1-B District requires a minimum rear yard of twenty-five feet. A variance of nineteen feet is required.

8. The addition would be behind the existing garage. No new construction would be within twenty-five feet of the rear lot line.

9. The dwelling with the addition meets all the other requirements of the Zoning Regulations. No variances other than the rear yard variance are required.

10. The existing dwelling has 1500 square feet, including three bedrooms on the second floor. The house is of a moderate size, and at least one of the existing bedrooms is small.

11. The addition will contain 785 square feet and will be used as a kitchen, dining room, bedroom and bathroom. The existing garage will be converted to a study and storage. The total area of the house would be 2,765 square feet.

12. Given the location of the existing house and garage, the desire to take advantage of solar energy and the need to preserve adequate light and ventilation for the existing house, there is no other reasonable alternative for the location of the addition.

13. Advisory Neighborhood Commission - 3E, by letter dated October 15, 1981, reported that it did not oppose the application. The ANC did not identify any issues and concerns for the Board to address.

14. There were two letters in the record from nearby neighbors in support of the application.

15. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

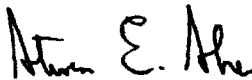
Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the location of the existing house and

garage, the configuration of the existing house and the size of the existing house combine to create an exceptional condition and practical difficulty for the owner. There is no other reasonable location for the addition. The Board notes that the new construction will not be any closer to the rear lot line than twenty-five feet. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (Charles R. Norris, Douglas J. Patton, Connie Fortune, Walter B. Lewis and William F. McIntosh to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

JAN 11 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.